

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSHUA J. BURKE,

Plaintiff,

Case No. 2:24-cv-11632

v.

Honorable Susan K. DeClercq
United States District Judge

LENAWEE COUNTY JAIL,

Defendant.

JUDGMENT

In accordance with the Order entered today:

It is **ORDERED** that Plaintiff's Complaint, ECF No. 1, is **DISMISSED**. *See* 28 U.S.C. § 1915(b), (e)(2)(A); FED. R. CIV. P. 41(b). "If the case is dismissed under these circumstances, it is not to be reinstated to the district court's active docket"—even if the plaintiff attempts to pay the filing fees. *McGore v. Wigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199, 203 (2007); *see also Baxter v. Rose*, 305 F.3d 486, 489 (6th Cir. 2002) (holding that *McGore* applies "where the district court dismisses cases *sua sponte* under 28 U.S.C. § 1915A"), *abrogated on other grounds by Jones*, 549 U.S. 199; *see also Redd v. Redmon*, 215 F.3d 1327 (6th Cir. 2000) (unpublished table decision) (same for cases dismissed "under § 1915(e)(2)(A)"); *Boussum v. Washington*, 655

F. Supp. 3d 636, 642 (E.D. Mich. 2023) (same for cases dismissed under 28 U.S.C. § 1915(b)).

Further, it is **ORDERED** that the Complaint is **PROHIBITED** from being reinstated to the district court's active docket—even if Plaintiff pays the filing fees.

Further, it is **ORDERED** that Plaintiff is **DENIED** leave to proceed *in forma pauperis* on appeal. *See* 28 U.S.C. § 1915(a)(3).

This order closes the above-captioned case.

/s/Susan K. DeClercq
SUSAN K. DeCLERCQ
United States District Judge

Dated: 8/2/2024